

Ancillary Relief: The Court Timetable

When an application is made to the Court to deal with disputes regarding the financial aspects of the divorce (known as “Ancillary Relief”), a strict timetable is set out which needs to be followed by both parties:

1. The Court issues a **Notice of Application** and lists a “First Appointment” within 12 to 14 weeks from issue.
2. 35 days before the First Appointment both parties will be required to complete a **Financial Statement**, known as **Form E**, which is in a questionnaire form to which certain documentary evidence will need to be attached, including bank statements for the last 12 months and up to date valuations. The parties (through solicitors) exchange Forms E and supporting documents simultaneously. At the same time, copies of the Forms E are sent to the Court for the Court file.
3. 14 days prior to the First Appointment both parties are required to set out what they believe to be the main issues in the case in a **Statement of Issues** and provide **Questionnaires** of further information or documents that are required as well as providing a **Chronology**. As your solicitors, we will draft these documents in consultation with you.
4. At the **First Appointment** the District Judge will make a Directions order setting out how the case will proceed. Directions may include filing and service of **Replies** to the Questionnaires (which must be approved by the District Judge), and of any other evidence needed such as **valuation reports** if the value of the assets such as the family home is disputed. If all the evidence needed is available before the First Appointment, it is possible for the First Appointment to be treated as a Financial Dispute Resolution hearing (see below); otherwise the District Judge will order that a date be set by the Court for the Financial Dispute Resolution hearing.
5. The next hearing will be the **Financial Dispute Resolution hearing** (FDR). The objective at the FDR is for the parties through their legal representatives to try to reach agreement with the assistance of the District Judge. The District Judge cannot decide the case at the FDR but if the parties reach agreement he can make an order by consent. If no agreement is reached the District Judge would then give directions for a final hearing. This District Judge would not be able to sit at the final hearing. Although he will not have heard all the evidence, he may have heard a summary of the issues from legal representatives and seen offers to settle made “without prejudice”. The District Judge who hears the evidence at the final hearing will not have had any previous involvement with the case or seen offers to settle.
6. If matters still cannot be resolved, the case will be set down for a **Final Hearing**. Barristers are often instructed to represent the parties at the FDR (or occasionally at the First Appointment) and will almost invariably represent the parties at a final hearing.